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PATENTS & TRADEMARKS
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Attorney Docket 24487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the patent application of:

TEMME et al.

Serial No. 09/768,274

Group Art Unit: 1714

Filed: January 25, 2001

Examiner: P. Niland

For: **USE OF AQUEOUS POLYURETHANE DISPERSIONS IN FORMULATIONS FOR SPORTS FLOOR COVERINGS**

THIRD REQUEST FOR RESETTING OF TIME FOR RESPONSE

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313

Sir:

Applicant again hereby requests that the time for consideration in this application be reset based on the facts below.

The present application is currently under final rejection based on the final Office Action mailed on April 9, 2003. Applicant timely filed a response to the Office Action in the U.S. Patent and Trademark Office (Patent Office) on July 8, 2003. A copy of the stamped filing receipt bearing the stamp from the Patent Office Mail Room is attached herewith, evidencing the receipt of the response by the Patent Office on July 8, 2003. A courtesy copy of the response filed on July 8, 2003 is also being filed for the Patent Office's convenience.

Upon not receiving a further communication from the Patent Office within the following three-months, Applicants' attorney contacted Examiner Niland to inquire as to the status of the

application. Examiner Niland informed Applicants' attorney that the response had not been scanned into the electronic file, nor had the response been entered into the case. Since the application is under final rejection, Examiner Niland suggested that the Petitions Office be contacted on how to proceed.

The Petitions Office informed Applicants' attorney that such a request is handled by the Director of the Technology Center in which the group art unit is located. Therefore, Applicants come herewith to request that the time for consideration in the present application be reset based on the Patent Office not entering the previously timely filed response into the case.

As a further precaution, Applicants have filed a Request for Continued Examination and an Extension of Time (along with checks for each) in order to keep the application alive. However, if the time for consideration is reset, Applicants hereby request withdrawal of the Request for Continued Examination and Extension of Time, as well as the previously filed Notice of Appeal and Extension of Time, and a refund for all fees paid. This request for a refund is based on the fact that **it is not Applicants' error that caused the previously filed response to be lost.** Additionally, if the time for consideration is reset and the Examiner deems that the previously filed response does not place the condition for allowance, thus necessitating the issuance of an Advisory Action, Applicants' will decide at that time whether to file a further Request for Continued Examination with a subsequent

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Extension of Time to continue prosecution of this application. However, Applicants submit that the response does, in fact, place the application in condition for allowance.

Accordingly, Applicants request that the time for consideration in this application be reset based on the Patent Office's error of not entering the previous timely filed response into the electronic file for consideration by the Examiner, and that the prosecution of this application continue. Early action on this Request is earnestly solicited.

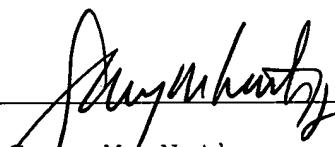
If the Examiner in charge of this case has any questions, he is asked to contact the undersigned attorney.

Respectfully submitted,

Date: May 10, 2004

By:

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1714

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TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and

Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Third Request for Re-setting of Time for Response;
- 3) Request for Continued Examination (RCE);
- 4) Resubmission of Stamped Filing Receipt;
- 5) Resubmission of Courtesy Copy of Previously Filed Response;
- 6) Petition for Extension of Time;
- 7) Check No. 20966 in the amount of \$770.00 for the RCE; and
- 8) Check No. 20167 in the amount of \$2010.00 for the EOT.

The Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: May 10, 2004
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